



Joe Leibham

State Senator
9th State Senate District

Testimony Submitted to the Senate Committee on Veterans and Military Affairs, Biotechnology and Financial Institutions Senate Bills 101 and 146

May 17, 2007

Thank you Chairman Sullivan and committee members. I'm honored to be able to testify on these important veterans' proposals.

Throughout my time in the legislature, I have enjoyed meeting, supporting, and representing many veterans who reside in the 9th State Senate District and I am pleased to author Senate Bills 101 and 146 because of my discussions with these veterans and their families.

The bills before us today are intended to further demonstrate our appreciation for the selfless commitments and sacrifices our servicemen and women and their families have made for our great country. Veterans are extraordinary Americans who step forward to serve and fight for the survival and the strength of our nation.

SB 101 improves the eligibility requirements of the Wisconsin veterans and surviving spouses property tax credit in two ways.

First, SB 101 adds a provision that would grant veterans who meet all other qualifications and have resided in Wisconsin for at least 10 continuous years after entry into active duty service access to this property tax credit.

Currently, only qualified veterans who entered the service while a resident of Wisconsin are eligible to apply for this property tax credit. However, if this eligibility requirement was challenged in court it could be found unconstitutional under U.S. Supreme Court case law.

The state of New York granted benefits specifically to, "veterans of the Armed Forces, who served during [a] time of war, and [who] were New York residents when they entered military service." In *Attorney General of N.Y. v. Soto-Lopez* the U.S. Supreme Court found that that this eligibility requirement violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. In this court decision it was concluded, "that the prior resident requirement of the New York civil service veterans' preference laws violates appellees' [veterans'] constitutionally protected right to travel and to equal protection of the law."

The addition of the 10 year residency provision would fix Wisconsin's potentially unconstitutional eligibility requirement.

Second, SB 101 would expand this property tax credit to qualified veterans of all ages. Currently, this benefit is only offered to qualified veterans who are older than 64. With more and more young disabled veterans coming back from overseas missions, expanding this tax credit will help them